

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**EDWARD RICHARD,**  
**Plaintiff,**

**v.**

**FRESCO SYSTEMS, USA, et al.,**  
**Defendants.**

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**Case No. 2:22-cv-1075-JDW**

**ORDER**

AND NOW, this 31st day of March, 2022, upon consideration of Plaintiff Edward Richard's Motion to Proceed *In Forma Pauperis* (ECF No. 1) Complaint (ECF No. 2), and for the reasons stated in the accompanying Memorandum, it is **ORDERED** as follows:

1. Mr. Richard's Motion to Proceed *In Forma Pauperis* (ECF No. 1) is

**GRANTED;**

2. The Complaint is deemed filed;

3. The claims against Defendant Eric Bronstein are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and the Clerk of Court shall terminate Eric Bronstein as a Defendant;

4. The Clerk of Court shall issue a summons;

5. Service of the summons and the Complaint shall be made by the U.S. Marshals Service upon Defendant Fresco Systems, USA. Mr. Richard must complete a USM-285 form so that the Marshals can serve Defendant Fresco Systems, USA. Failure to complete that form may result in dismissal of this case.

6. All original pleadings and other papers submitted for consideration to the Court in this case are to be filed with the Clerk of Court. Copies of papers filed in this Court are to be served upon counsel for all other parties (or directly on any party acting *pro se*). Service may be made by mail. Proof that service has been made is provided by a certificate of service. The certificate of service should be filed in the case along with the original papers and should show the day and manner of service. An example of a certificate of service by mail follows:

"I, (name), do hereby certify that a true and correct copy of the foregoing (name of pleading or other paper) has been served upon (name(s) of person(s) served) by placing the same in the U.S. mail, properly addressed, this (day) of (month), (year).

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(Signature)"

7. Any request for court action shall be set forth in a motion, properly filed and served. The parties shall file all motions, including proof of service upon opposing parties, with the Clerk of Court. The Federal Rules of Civil Procedure and Local Rules are to be followed. Mr. Richard must comply with Local Civil Rule 7.1 and serve and file a proper response to all motions within fourteen (14) days. Failure to do so may result in dismissal.

8. Mr. Richard must comply with Local Rule 26.1(f), which provides that "[n]o motion or other application pursuant to the Federal Rules of Civil Procedure governing discovery or pursuant to this rule shall be made unless it contains a certification of

counsel that the parties, after reasonable effort, are unable to resolve the dispute.” Mr. Richard shall attempt to resolve any discovery disputes by contacting Defendant’s counsel directly by telephone or through correspondence;

9. No direct communication is to take place with the United States District Judge or United States Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk of Court;

10. In the event a summons is returned unexecuted, it is Mr. Richard’s responsibility to ask the Clerk of Court to issue an alias summons and to provide the Clerk with the Defendant’s correct address, so service can be made; and

11. The parties should notify the Clerk’s Office when there is an address change. Failure to do so could result in court orders or other information not being timely delivered, which could affect the parties’ legal rights.

It is **FURTHER ORDERED** that Mr. Richard’s Request For Appointment Of Attorney (ECF No. 3) is **DENIED**.

**BY THE COURT:**

*/s/ Joshua D. Wolson*

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**JOSHUA D. WOLSON, J.**